UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,172	02/22/2006	Jonathan R. Piesing	GB030153	7875

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 October 2010</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,7-12 and 14-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5,7-12 and 14-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 10/8/2010 have been fully considered but they are
not persuasive. Regarding claim 1, Applicant asserts that the combination of Piesing,
Bulkowski, and Reisman fails to disclose pausing the received timebase to
accommodate at least interactive applications, if the identification signal is not present.
Examiner respectfully disagrees. Piesing discloses (¶0019) that the broadcast signal
transmitted to end user device includes a data component signal, which is in form of an
interactive application as represented in Fig. 1 (element 22). Piesing further discloses
(¶0025, ¶0028) that when identification signal is not present in broadcast signal,
receiver interrupts by pausing an internal timebase of the interactive application.

With regard to the other dependent claims, the respective rejections are
maintained as Applicant has only argued that the combination of references does not
cure the deficiency of claims 1 and 8, nevertheless it is the Examiner's contention that
the combination of Piesing, Bulkowski, and Reismen does not contain any deficiency.

The rejections relied on the references for all the teachings expressed in the text
of the references and/or one of ordinary skill in the art would have reasonably
understood from the texts. Only specific portions of the texts have been pointed out to
emphasize certain aspects of the prior art, however, each reference as a whole should
be reviewed in responding to the rejection. See the rejection below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-5, 7-12, and 14-19** are rejected under 35 U.S.C. 103(a) as being

unpatentable over US PG Pub 2003/0079225 to Piesing et al (hereafter referenced as

Piesing) in view of US PG Pub 2004/0034875 to Bulkowski et al (hereafter referenced

as Bulkowski) and US PG Pub 2009/0320073 to Reisman (hereafter referenced as

Reisman).

Regarding **claim 1,** "a method of monitoring a broadcast signal" reads on

the method where the broadcast signal is monitored for an identification signal

(abstract) disclosed by Piesing and represented in Fig. 1.

As to "the method comprising receiving, by an end user device, a

broadcast signal including at least three components" Piesing discloses (¶0019,

¶0024) that the broadcast signal (28), generated by broadcaster and received by

end user device, includes a video component, an audio component, and a data

component as represented in Fig. 1 (elements 18, 20, 22).

As to "monitoring the broadcast signal for an identification signal" Piesing

discloses (¶0021 and ¶0024) that the identification signal included in broadcast

signal is monitored by the receiver for the presence of the identification signal.

As to "pausing the received timebase to accommodate at least interactive applications, if the identification signal is not present" Piesing discloses (¶0019) that the broadcast signal transmitted to end user device includes a data component signal, which is in form of an interactive application as represented in Fig. 1 (element 22). Piesing further discloses (¶0025, ¶0028) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to "the broadcast signal including a timebase" Piesing discloses (¶0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (¶0025) that the possible interruption includes pausing an internal timebase received in receiver.

As to "restarting the received timebase when the identification signal is present" Piesing discloses (¶0025) that the interruption will be suspended when the identification signal is returned.

Piesing meets all the limitations of the claim except "a timebase is included in the broadcast signal and pausing the timebase, wherein said timebase is a periodic clock inserted into one of the three components." However, Bulkowski discloses (¶0039, ¶0069, ¶0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (¶0081-¶0083) that the time base, associated with the data sub-stream, is transmitted to the client device as

represented in Fig. 5. Bulkowski also discloses (¶0070) that the timing

information transmitted with the data stream to the client device includes time

pulses, which delivered regularly to the client and consist of the current time on

the stream's time base. Bulkowski also discloses (¶0074-¶0076) that the time

base associated with data stream is paused. Bulkowski further discloses

(TABLE 1) that the pauseTime is time in seconds at which the enhancement

should be paused, and all UI (user interface) made invisible to the user. As to

"restarting the timebase" Bulkowski discloses (¶0083) that the client device

recreates the time base associated with the data stream. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Piesing's system by pausing time base as taught by

Bulkowski in order to run interactive application correctly on a viewer's screen so

the viewer has a great deal of control over what appears on screen (¶0004,

¶0012).

Combination of Piesing and Bulkowski meets all the limitations of the

claim except "pausing timebase at unspecified time intervals." However,

Reisman discloses (¶0206-¶0209) that the device determines whether the

controls displayed on the screen are to continue running on their current time

base or to be paused while the alternatives resources are viewed and then

resumed from the last time position in real-time (unspecified time) streaming.

Reisman further discloses (¶0352) that the time scope is coded with real time,

where the scope defines their scope in time relative to a program start time or

current time code, either directly or through a separate time base. Therefore, it

would have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Piesing and Bulkowski's systems by pausing timebase in

real-time as taught by Reisman in order to deliver the enhancements in a way

that provides the user with a smoothly integrated experience in which interactions

on the system coupled to the degree appropriated to the task of the moment

(¶0009).

Regarding **claim 2,** "a method wherein the broadcast signal comprises a

video component, an audio component, and a data component" Piesing

discloses (¶0019) that the audio, video and data components are multiplexed in

multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 3,** "a method wherein the timebase is a portion of the

data component of the broadcast signal" Piesing discloses (¶0020) that the

interactive application transmitted to receiver is part of the data portion that is

part of the broadcast signal. Piesing further discloses (¶0025) that the possible

interruption includes pausing an internal timebase received in receiver. Piesing

does not explicitly teach that the timebase is a periodic clock inserted into the

data component. However, Bulkowski discloses (¶0069, ¶0070, ¶0083, ¶0087)

that the timing information consists of time pulses that are combined with the

data sub-stream (data component) as represented in Fig. 5. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Piesing's system by pausing time base as taught by

Bulkowski in order to run interactive application correctly on a viewer's screen so

the viewer has a great deal of control over what appears on screen (¶0004,

¶0012).

Regarding **claim 4,** "a method wherein the broadcast signal is a digital

signal and the identification signal is present in the data component of the

broadcast signal" Piesing discloses (¶0010) that the broadcast signal is a digital

signal. Piesing further discloses (¶0019) that the identification signal is produced

by device 26 with data component and other data to generate broadcast signal.

Regarding **claim 5,** "a method wherein the broadcast signal is an

analogue signal and the identification signal is present in the vertical blanking

interval of the broadcast signal" Piesing discloses (¶0029) that the broadcast

signal is an analog signal with the identification signal is presented in VBI of the

broadcast signal.

Regarding **claim 7,** "a method wherein the identification signal is present

in the normal data structures describing the video component of the broadcast

signal" Piesing discloses (¶0021, ¶0024, ¶0025) that the identification signal is

carried in the video signal which describes its component by above mentioned

operation.

Regarding **claim 8,** "An apparatus for monitoring a broadcast signal"

reads on the receiver where the broadcast signal is monitored for an

identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to "the apparatus comprising receiving means for receiving the

broadcast signal, the broadcast signal including at least three components"

Piesing discloses (¶0019, ¶0024) that the broadcast signal (28), generated by

broadcaster and received by end user device, includes a video component, an

audio component, and a data component as represented in Fig. 1 (elements 18,

20, 22).

As to "monitoring means for monitoring the broadcast signal for an

identification signal" Piesing discloses (¶0021 and ¶0024) that the identification

signal included in broadcast signal is monitored by the receiver for the presence

of the identification signal.

As to "for pausing, to accommodate at least interactive application, the

received timebase if the identification signal is not present" Piesing discloses

(¶0019) that the broadcast signal transmitted to end user device includes a data

component signal, which is in form of an interactive application as represented in

Fig. 1 (element 22). Piesing further discloses (¶0025, ¶0028) that when

identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to "the broadcast signal including a timebase" Piesing discloses (¶0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (¶0025) that the possible interruption includes pausing an internal timebase received in receiver.

As to "restarting means for restarting the received timebase when the identification signal is present" Piesing discloses (¶0025) that the interruption will be suspended when the identification signal is returned.

Piesing meets all the limitations of the claim except "a timebase is included in the broadcast signal and pausing the timebase, wherein said timebase is a periodic clock inserted into one of the three components." However, Bulkowski discloses (¶0039, ¶0069, ¶0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (¶0081-¶0083) that the time base, associated with the data sub-stream, is transmitted to the client device as represented in Fig. 5. Bulkowski also discloses (¶0070) that the timing information transmitted with the data stream to the client device includes time pulses, which delivered regularly to the client and consist of the current time on the stream's time base. Bulkowski also discloses (¶0074-¶0076) that the time base associated with data stream is paused. Bulkowski further discloses

(TABLE 1) that the pauseTime is time in seconds at which the enhancement

should be paused, and all UI (user interface) made invisible to the user. As to

"restarting the timebase" Bulkowski discloses (¶0083) that the client device

recreates the time base associated with the data stream. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Piesing's system by pausing time base as taught by

Bulkowski in order to run interactive application correctly on a viewer's screen so

the viewer has a great deal of control over what appears on screen (¶0004,

¶0012).

Combination of Piesing and Bulkowski meets all the limitations of the

claim except "pausing timebase at unspecified time intervals." However,

Reisman discloses (¶0206-¶0209) that the device determines whether the

controls displayed on the screen are to continue running on their current time

base or to be paused while the alternatives resources are viewed and then

resumed from the last time position in realtime streaming. Reisman further

discloses (¶0352) that the time scope is coded with real time, where the scope

defines their scope in time relative to a program start time or current time code,

either directly or through a separate time base. Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to

modify Piesing and Bulkowski's systems by pausing timebase in real-time as

taught by Reisman in order to deliver the enhancements in a way that provides

the user with a smoothly integrated experience in which interactions on the

system coupled to the degree appropriated to the task of the moment (¶0009).

Regarding **claim 9,** "apparatus wherein the signal comprises a video

component, an audio component, and a data component" Piesing discloses

(¶0019) that the audio, video and data components are multiplexed in multiplexer

as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 10,** "apparatus wherein the timebase is a portion of the

data component of the broadcast signal" Piesing discloses (¶0020) that the

interactive application transmitted to receiver is part of the data portion that is

part of the broadcast signal. Piesing further discloses (¶0025) that the possible

interruption includes pausing an internal timebase received in receiver. Piesing

does not explicitly teach that the timebase is a periodic clock inserted into the

data component. However, Bulkowski discloses (¶0069, ¶0070, ¶0083, ¶0087)

that the timing information consists of time pulses that are combined with the

data sub-stream (data component) as represented in Fig. 5. Therefore, it would

have been obvious to one of the ordinary skills in the art at the time of the

invention to modify Piesing's system by pausing time base as taught by

Bulkowski in order to run interactive application correctly on a viewer's screen so

the viewer has a great deal of control over what appears on screen (¶0004,

¶0012).

Regarding **claim 11,** "apparatus wherein the receiving means and the monitoring means are portions of an integrated circuit" Piesing discloses (¶0026) that the receiving means and monitoring means are part an integrated circuit.

Regarding **claim 12,** "apparatus wherein the apparatus is a digital television receiver" Piesing discloses (¶0023) that the apparatus is a receiver as represented in Fig. 1 (element 34).

Regarding **claim 14,** "the method according to claim 1, wherein the pausing step occurs due to insertion of additional information in the broadcast signal" Piesing discloses (¶0022, ¶0025) that the distributor inserts the additional information in the broadcast signal where the interruptions occurs of the interactive application as represented in Fig. 1 (elements 28, 30, 32).

Regarding **claim 15,** "the method according to claim 14, wherein the additional information is advertisements" Piesing discloses (¶0022, ¶0025) that the distributor inserts commercials in the broadcast signal.

Regarding **claim 16,** "the method according to claim 14, wherein the additional information is unannounced weather updates" Reisman discloses (¶0123, ¶0528) that the broadcast signal received at the receiver includes

alerting service such as emergency broadcast system, news alerts, financial

alerts, weather, etc. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 17,** "the apparatus according to claim 8, wherein the

pausing of the monitoring means occurs due to insertion of additional information

in the broadcast signal" Piesing discloses (¶0022, ¶0025) that the distributor

inserts the additional information in the broadcast signal where the interruptions

occurs of the interactive application as represented in Fig. 1 (elements 28, 30,

32).

Regarding **claim 18,** "the apparatus according to claim 17, wherein the

additional information is advertisements" Piesing discloses (¶0022, ¶0025) that

the distributor inserts commercials in the broadcast signal.

Regarding **claim 19,** "the apparatus according to claim 17, wherein the

additional information is unannounced weather updates" Reisman discloses

(¶0123, ¶0528) that the broadcast signal received at the receiver includes

alerting service such as emergency broadcast system, news alerts, financial

alerts, weather, etc. In addition, same motivation is used as rejection to claim 1.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pinkal R. Chokshi whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal R. Chokshi/
Examiner, Art Unit 2425

/Brian T Pendleton/
Supervisory Patent Examiner, Art Unit 2425